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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Non-proliferation in all its aspects

Working paper submitted by the Islamic Republic of Iran

1. The non-compliance by certain nuclear-weapon States with their obligations under articles I and VI of the Treaty on the Non-Proliferation of Nuclear Weapons has posed serious challenges to the Treaty. Certain nuclear-weapon States, in contravention of their commitments under article VI, have continued to resort to nuclear deterrence as their defence and security doctrine and accelerated the nuclear arms race. By maintaining their nuclear arsenals and their horizontal proliferation through the transfer of nuclear technologies and weapons-grade materials to non-parties to the Treaty, these nuclear-weapon States have also contributed to the emergence of new nuclear weapons possessors. It is in clear violation of their non-proliferation obligations under article I of the Non-Proliferation Treaty.

2. A few countries have attempted to suggest that proliferation concerns are attributable only to non-nuclear-weapon States parties to the Treaty. This campaign of misinformation has been pursued, while all the nuclear activities of the non-nuclear weapon States parties to the Treaty, which have already foregone the nuclear option and therefore pose no threat to others, are under the full-scope safeguards of the International Atomic Energy Agency (IAEA).

3. The Review Conference of the Parties to the Treaty cannot easily overlook that certain nuclear-weapon States, in contravention of their legal undertakings, promote the role and status of nuclear weapons in their defence and security doctrines and proliferate these weapons to others. Non-compliance with article I and the lack of any mechanism for verification of the obligations of the nuclear-weapon States have given rise to serious concern. Under the provisions of the Treaty, the nuclear weapon States have undertaken to eliminate their nuclear arsenals and have committed not to develop or transfer nuclear weapons or nuclear-weapon technology and materials to others. In the long term, the maintenance of these inhumane weapons, and the threat to use them, would weaken the integrity and credibility of the Treaty and jeopardize international peace and security.

4. In the past few years, some efforts have been made to undermine the main principles of the Treaty in order to change it to a one-dimensional treaty. In this context, unfortunately, the nuclear disarmament obligations have been totally

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overlooked, and access to peaceful nuclear materials and technologies for non-nuclear-weapon States parties to the Treaty has been denied. At the same time, the obligations of the non-nuclear-weapon States parties to the Treaty concerning non-proliferation have been overemphasized as if the Treaty had no other provisions. With such an approach, certain countries have tried to impose more extreme and more severe restrictions on access to peaceful nuclear technology and sought to monopolize such technology for only the nuclear-weapon States and a few staunch allies, even in some cases non-parties to the Treaty. In this regard, the clear examples are the nuclear cooperation between the United States of America and Israeli regimes and the decision of the Nuclear Suppliers Group on nuclear cooperation with a non-party to the Treaty. These cases regrettably have shown that being a non-party to the Treaty is more privileged than being a non-nuclear State party to the Non-Proliferation Treaty.

5. The unprecedented decision of the Nuclear Suppliers Group, an exclusive and non-transparent club that claims to have been established so as to strengthen the non-proliferation regime, has already damaged the Non-Proliferation Treaty. Such a decision, by facilitating the transfer of nuclear material to a non-party that has an active nuclear-weapons programme, is a clear violation of article III (2) of the Treaty, under which "each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article". The decision of the Nuclear Suppliers Group, which was taken under pressure from the United States, is also a violation of the commitment of the nuclear-weapon States under the decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty and the Final Document of the 2000 Review Conference for promoting universalization of the Treaty. When a country outside the Treaty easily and unconditionally enjoys nuclear assistance from Nuclear Suppliers Group members, it will never have incentives to accede to the Treaty. Thus, the decision of the Nuclear Suppliers Group is in clear contravention of the obligations on the promotion of the universality of the Treaty and has seriously jeopardized the credibility and integrity of the Treaty. Such a decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty. The 2015 Review Conference needs to address this case of non-compliance and make a decision on the prohibition of any nuclear assistance to non-parties to the Treaty.

6. Furthermore, it seems that in the view of the United States and its allies, clandestine development of nuclear weapons by those outside the Treaty is justifiable, and worse still that such a nuclear programme can be supported through cooperation and transferring nuclear technology, material and equipment. It is a matter of serious concern that such an approach has been applied to the nuclear weapons programme of the Israeli regime, which is a staunch ally of the United States. Permitting such a regime to continue to produce nuclear weapons with impunity is a matter of grave concern.

7. The Review Conference of the Treaty should seriously address the proliferation of nuclear weapons by these nuclear-weapon States. It is essential that all proliferation cases committed by certain nuclear-weapon States be identified and

examined thoroughly. The Non-Proliferation Treaty could continue to sustain and enjoy the support of its States parties, if the nuclear-weapon States fulfil their obligations under the Treaty.

8. The current challenges of the non-proliferation regime require the establishment of a new arrangement and a robust strategy to prevent the arbitrary measures of some nuclear-weapon States in proliferating nuclear weapons. It is indispensable for the Review Conference to adopt a new approach towards non-proliferation and emphasize its basic and primary principles and norms. Full materialization of non-proliferation provisions requires full, verifiable and transparent implementation of article I of the Treaty by the nuclear-weapon States. Therefore, the Review Conference needs to establish a strong mechanism to verify the implementation of article I by the nuclear-weapon States. Moreover, the failure to comply with the nuclear disarmament obligations increases the risk of proliferation of nuclear weapons. Thus, the Review Conference should also call upon the nuclear-weapon States to fully implement their obligations under article VI of the Treaty.

9. To this effect, the outcome of the 2015 Review Conference, based on the full implementation of the obligations of the nuclear-weapon States on non-proliferation, should be designed in a way to cover the following key issues:

(a) The proliferation by certain nuclear-weapon States is the most immediate and essential risk threatening the non-proliferation regime;

(b) Article I of the Treaty and its implementation by the nuclear-weapon States should be strengthened by establishing a verification mechanism similar to the one under article III of the Treaty;

(c) It is essential that all proliferation cases made by certain nuclear-weapon States be thoroughly examined;

(d) In order to take measures to strengthen non-proliferation and promote the universality of the Non-Proliferation Treaty, the nuclear-weapon States must also refrain from cooperating with non-parties to the Treaty and undertake not to transfer any nuclear material, equipment, information, knowledge and technology to them;

(e) The only solution to remove concerns originating from proliferation and threats of the possible use of nuclear weapons is the total abolition of nuclear deterrence through the conclusion of a universal, legally binding nuclear weapons convention;

(f) In the current circumstances, IAEA should demonstrate, more than before, its commitment and dedication not only to the implementation of the safeguards, but also to the facilitation of the development of nuclear energy as its main and primary purpose.

10. In conclusion, the Islamic Republic of Iran believes that IAEA, as the sole competent authority in verifying nuclear programmes of the States parties, has an important and sensitive role in dealing with the nuclear activities of the member States. In this regard, IAEA should act within the boundaries of its mandate, in full conformity with the IAEA statute and the relevant safeguards agreements of the States parties. IAEA should preserve its credibility by adhering to a high level of professionalism and impartiality and avoiding politicization of technical issues. The

Agency should also strengthen its confidentiality policies in order to prevent any leakage of sensitive and confidential information of member States.

11. One of the main concerns of the States parties to the Treaty is the increase of baseless allegations against the peaceful nuclear activities of other States parties through forging documents and disseminating false information. These allegations have significant consequences, in particular political and economic damages to the concerned State party. In this context, the Agency must be very vigilant in dealing with open source information, baseless allegations and the authenticity of the documents presented. The Agency must not build its verification activities on unreliable and fake evidence. In this context, based on article III of the Treaty, which stipulates that implementation of safeguards shall be in a manner to avoid hampering the economic or technological development of States parties, the Islamic Republic of Iran proposes the establishment of a legal mechanism for the settlement of disputes and appropriate arrangements to rectify the damages inflicted on the relevant States parties and provide a framework for compensation.